



Kentucky Board of Examiners of Psychology Newsletter

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MEET THE BOARD

Dr. Henry S. Davis

Henry S. Davis, Ph.D., was appointed to the Board of Examiners of Psychology in October, 2002. He currently serves as the Board's Vice Chair and is a member of the Complaints Screening Committee.

Dr. Davis is in private practice with The Psychology Group, P.L.L.C. in Hopkinsville, Kentucky. His clinical work is primarily psychotherapy and psychological evaluations with older adolescents and adults.

A native of Illinois, Dr. Davis received his Ph.D. from Northwestern University in 1973. Moving to Kentucky in 1972, Dr. Davis was with the Pennyroyal Center in Hopkinsville, where he retired after 27 years of employment. Prior to forming The Psychology Group with his partners in 2001, Dr. Davis worked full time over three years with FHC-Cumberland Hall, where he had worked part time for several years. He has also worked part time on a contractual basis with the Department of Corrections several years. During his psychology career, Dr. Davis has been very active with the Kentucky Psychological Association, serving in several elected and appointed positions.

Dr. Davis has been married to his wife, Tammy, since 1966. She is a school administrator with the Todd County Board of Education. They have two adult children, Lisa Wilkins of Bowling Green and Tim Davis, now living in California. In his spare time, Dr. Davis enjoys bicycling and spoiling his grandson. ✍

NEWS FROM ASPPB

Global Standards = Global Mobility in a Shrinking World *Kim R. Jonason, Ph.D., President-elect ASPPB*

It was my pleasure to attend the Third International Congress on Licensure, Certification and Credentialing of Psychologists in Montreal, Quebec Canada where I chaired a morning-long symposium concerning the issue of professional mobility. Dr. Trevor Warring, Professor of Clinical Psychology and Deputy Chancellor of the University of Newcastle, New South Wales, Australia, spoke of his experiences as President of the State Psychologists Registration Board and as Chair of the recently formed Australian Council of Psychology Registration Boards. Despite great difficulties – Australia is described as a Commonwealth nation made up of six independent states and two independent territories with eight separate psychology registration boards – Australia has managed to effect legislation allowing a psychologist registered (licensed) in one state to be considered registered in all others. The secret to this success has been the move toward ever greater consistency of standards of education and training in psychology.

Dr. Tuomo A.J. Tikkanen, President of the Finnish Psychological Association, member of the Finnish Universities' Executive Committee for specialized training in psychology, member of the Board of Directors of the International Association for the specialized training in psychology and President of the European Federation of Professional Psychologists' Association EFPA, provided a discussion of the European Diploma in Psychology (EDP) which is in the final stages of development. The EDP is based on standard levels of university training and supervised experience. Upon acceptance of the EDP by a Committee of the European Commission and the European Union Member States, the EDP would form the basis for free mobility within the profession of psychology in all EU Member States! Dr. Tikkanen expressed confidence that this will be achieved.

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Board Disciplinary Actions

The following is a summary of disciplinary actions taken against credential holders by the Board since the last Newsletter. This summary is intended for informational purposes only. All information is believed to be accurate; however, complete terms of each disciplinary action are contained in the Board's written records.

Roxanne Brinley, Ph.D.

June 7, 2004

Settlement Agreement

The Board alleged and Dr. Brinley admitted have violated KRS 319.082 (1)(r) by showing an inability to practice psychology with reasonable skill and safety to patients by reason of misuse of drugs, alcohol, and narcotics in the practice of psychology in the year 2003. The Board alleges and Dr. Brinley admits violating KRS 319.082 (1) (d), (f), and (n), and 201 KAR 26:145 Section 4(2)(b)(2) by acting incompetently and negligently in the practice of psychology and violating a regulation of the Board by engaging in a sexual, dual relationship with a then-current patient. The Board and Dr. Brinley agreed: 1) to have Dr. Brinley's license to practice psychology in the Commonwealth of Kentucky actively and indefinitely suspended as of June 7, 2004, and that Dr. Brinley shall not apply for reinstatement for a period of not less than three (3) years from the date Dr. Brinley last practiced psychology on January 1, 2004; 2) Dr. Brinley may petition the Board for reinstatement after two (2) years from January 1, 2004 and shall provide proof that she can practice psychology with reasonable skill and safety to clients; 3) Dr. Brinley shall keep her license current and shall renew her license in a timely manner as required under KRS 319.071, and shall obtain all required continuing education as required under 201 KAR 26:175; and 4) Dr. Brinley shall during the active suspension, maintain and keep written records available to the Board of appropriate, active participation in mental health counseling for treatment of chemical and alcohol dependency as recommended by any treatment program or individual mental health provider with which Dr. Brinley participates.

NEWS FROM ASPPB (Cont. From Page 1)

By comparison, given the diversity of training as well as national and cultural boundaries represented in the European Union and the Australian Commonwealth, the problem of achieving licensure mobility in Canada and the United States would seem to be far simpler. Practicing psychologists in the United States and Canada are extremely well educated and trained. Psychology licensing standards exceed those of any other area of the world. The typical licensed psychologist has received a doctoral degree in psychology from a regionally accredited university, has had extensive practicum experience, has completed an internship of 1500 to 2000 hours and has had an additional year of supervised post-doctoral practice experience. It is therefore paradoxical that licensure mobility among the various states and provinces has been so difficult to achieve. Dr. Catherine Yarrow, Registrar and Executive Director of the College of Psychologists of Ontario and at-large member of the Board of Directors of the Association of State and Provincial Psychology Boards provided a description of the difficult process of developing a Mutual Recognition Agreement among the regulators of psychology in Canada's provinces, while I described ASPPB mobility efforts which have resulted in both an Agreement of Reciprocity, providing mobility for licensed psychologists with five years of experience and no action against their license among the 11 signatory states. I also described the ASPPB Certificate of Professional Qualification (CPQ) which is an individual credential based on standards of training and experience similar to those of Agreement of Reciprocity jurisdictions. Thirty jurisdictions in the United States and Canada now accept the CPQ as a mobility credential, and 17 more have voted to do so. Licensure mobility for the superbly educated and trained psychologists in the US and Canada is rapidly becoming a reality. It is an idea whose time has come in our "shrinking" world. ✍

EXAMINATION INFORMATION

By S. Abby Shapiro, Ph.D.

The Kentucky Board of Examiners of Psychology is always pleased to add qualified individuals to the roster of licensed psychological associates, psychological practitioners, and psychologists in Kentucky. In addition to the educational and supervision requirements for licensure, all applicants must take the Examination for Professional Practice in Psychology (EPPP), a computer-administered exam developed and owned by the Association of State and Provincial Psychology Boards (ASPPB). Applicants for psychological practitioner and licensed psychologist must also take the oral examination administered by this Board.

Applicants for licensure exam must take the EPPP within sixty days of the date on the authorization-to-test letter they will receive from the ASPPB contractor once their application has been approved by the Board. Applicants who fail to take this exam within the sixty days will forfeit their application fees and have to reapply to the Board.

Once applicants for licensure as psychological practitioners have been notified that they have received a passing score on the EPPP exam, they are eligible to sit for the structured oral exam, which is administered in person in Frankfort, and offered four times a year.

Applicants for licensure as psychologists must complete the one year postdoctoral experience before they can apply to sit for the oral exam. Those applying for licensure as psychologists must pass the oral exam within one year of completion of the postdoctoral experience. Both exams must have been taken and passed within one year after completion of the postdoctoral experience.

Applicants who are working under temporary licensure are encouraged to take the EPPP and the oral exams sooner, not later. Temporary licensure status cannot be extended beyond what is outlined in the Kentucky Laws and Regulations relating to Licensure in Psychology.

Interim Board Committees

Complaints

Tracy Eells, Chair
Henry Davis
Richard Applegate

Supervision

Courtney Spear, Chair
Abby Shapiro

Examinations

Abby Shapiro, Chair
Courtney Spear

Credentials

Diane Sobel, Chair
Barbara Jefferson

Continuing Education

Andrew Jones, Chair
Barbara Jefferson

NEWS FROM THE WEB

By Wendy Satterly, Board Administrator

In May, 2003, the State Board of Examiners of Psychology with the assistance of the Governor's Office of Technology revised the Board's web site. It is now more user friendly and ADA compliant. We invite you to go to <http://psycho.ky.gov> and take a tour of our site. Scroll down the left side navigator bar to access valuable information for licensees as well as the public.

Items to note are the Online Verification of License and the Online License Renewal. Both sites provide a quick and easy way to verify your license and renew your license online. Also available are a list of Board members and the calendar of all Board events for 2004. You can access the minutes of the latest meetings, along with Opinions and Declaratory Rulings published by the Board.

The site has an Application and Forms Section which includes application forms for all levels of licensure, renewal forms, the Board's complaint form and supervision forms, just to name a few. All can be downloaded in PDF format by using *Adobe Acrobat Reader* (which can be downloaded free at <http://www.adobe.com>.) Be sure to note that the law and regulations are available by list and also in a printable booklet. The Board has also added all of the Newsletters published since Spring, 2000.

We hope that you will regularly visit our site and if you have comments or suggestions, we would encourage you to email the Board office at Wendy.Satterly@ky.gov.

New Independent Practitioners in the Commonwealth of Kentucky

Licensed Psychologists

Theresa Garela Izquierdo
Daniel K. Jones
Russell Howard Williams
Robert Jay Heisler
Julie Kraus Hideg
David Franklin Strahley
Vonda Jones-Hudson
Carol J. Wochenko
Richard Carl Gilman
Kelly L. McGraw

Emily McGuire
Tony L. Sheppard
Tonya Bottoms Willis
Melissa Dawn Dunphy
Emily Cole Williams
Nalda Gordon
Catherine Frantom
Robert A. Underwood
Lois W. Petrella

Licensed Psychological Practitioners

Jody R. Blackburn
William S. Lynne
Greg Renzenbrink
Nina L. Begley
Edward J. Morris
Katrina Lewis

WHAT SHOULD I DO? A COMPLAINT HAS BEEN FILED AGAINST ME!

News that a complaint has been initiated against you is anxiety provoking. It can trigger panic, fear of the worst happening, and anger. It may be reassuring to know that almost half of all complaints made against psychology credential holders in Kentucky are ultimately dismissed. Should you become the object of a complaint, the Board offers the following advice:

- ✍ Do not panic or become defensive or haughty. Act professionally.
- ✍ Be open and candid in your response to the complaint, even if it means admitting you made a mistake.
- ✍ Read the relevant regulation carefully and frame your response accordingly.
- ✍ Respond to a complaint thoroughly and carefully, addressing each point raised by the person complaining.
- ✍ Organize your response in a concise and readable form.
- ✍ Substantiate your points with supporting documentation.
- ✍ Before responding to the complaint, consider consulting with an attorney familiar with licensing boards.

THE MOST FREQUENTLY VIOLATED KENTUCKY PSYCHOLOGY LAW

By Tracy D. Eells, M.B.A., Ph.D. and S. Abby Shapiro, Ph.D.

The KBEP has recently discussed the portion of our Code of Conduct that leads to more sanctions against psychology credential holders, by far, than any other. This is 201 KAR 26:145, Section 3, Paragraph 5, which relates to competence and refers to information a psychologist must obtain before rendering a professional opinion. It reads, “A credential holder rendering a formal professional opinion about a person shall not do so without direct and substantial professional contact with or a formal assessment of that person.”

Sanctions involving a violation of this administrative regulation almost always occur in the context of a child custody dispute. One common scenario is for the psychologist to be on the witness stand and face pressure from a judge or attorney to give an opinion about a parent who the psychologist has not assessed, or with whom the psychologist has had only a brief encounter. Another scenario is for the psychologist to write a letter to an attorney, judge, or client and render an opinion in that letter, for example about visitation for a holiday weekend or about the parenting skills of a parent only briefly encountered, not realizing that the letter may constitute a “formal professional opinion.” Still another scenario is for a psychologist to render an opinion about a parent in a court-ordered child custody evaluation when that parent has not been evaluated. It is easy to be inappropriately drawn into the emotionally charged and often bitterly contested context of a custody battle, particularly where children are suffering and when almost all of the psychologist’s information has come from one parent. It is even easier when a child expresses a strong preference to live with the parent the psychologist knows. Yet each of the above scenarios can lead to sanction.

We urge you to follow the American Psychological Association’s (APA) *Guidelines for Child Custody Evaluations in Divorce Proceedings*, which were promulgated in 1994 and are available online at: <http://www.apa.org/practice/childcustody.html>. Among the 16 guidelines is one that states, “The psychologist does not give any opinion regarding the psychological functioning of any individual who has not been personally evaluated.”

The recently revised APA Ethical Principles of Psychologists and Code of Conduct (available at: <http://www.apa.org/ethics/code2002.html>), also address the issue of rendering professional opinions. Principle 9.01(a) states, “Psychologists base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings.” Principle 9.01(b) states in part, “Psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions.” (Note, however, that the KBEP is charged with enforcing KRS 319 and its associated regulations, including its Code of Conduct, not the APA Ethical Principles or its Code of Conduct.)

It is also important to appreciate the limitations of each of the above-cited proscriptions. None of them prevent the psychologist from reporting what an evaluated individual (such as a parent or child) has stated or from addressing theoretical issues or hypothetical questions, so long as the limited basis of the information is noted. For example, it would not be a violation to state, “In my interview with him, Timmy expressed a strong interest to live with his mother.” But it would be a violation to recommend custody to the mother when only the mother and Timmy, not the father, have been evaluated.

We agree with the APA’s *Guidelines* cited above that “Psychologists provide an important service to children and the courts by providing competent, objective, impartial information in assessing the best interests of the child; by demonstrating a clear sense of direction and purpose in conducting a child custody evaluation; by performing their roles ethically; and by clarifying to all involved the nature and scope of the evaluation.” We would not want psychologists in Kentucky to abandon this important service due to the increased risk for complaints to the KBEP. However, we also agree with Melton, Petrla, Poythress, and Slobogin (1987, p. 330), who write, “The most basic ethical issue for clinicians involved in custody disputes may be one of monitoring the limits of competence and avoiding trespass across these limits.”

OPINION & DECLARATORY RULING

Last November, the Board received correspondence asking whether temporarily licensed psychologists and licensed psychological associates meet the definition of a “Qualified Mental Health Professional” in the context of conducting KRS 202A evaluations for involuntary hospitalization. The Board was also asked whether countersignature by the Board-appointed supervisor of these individuals was required. The following Opinion and Declaratory Ruling resulted from this discussion.

OPINION AND DECLARATORY RULING REGARDING 202A EVALUATIONS CONDUCTED BY LICENSED PSYCHOLOGICAL ASSOCIATES AND TEMPORARILY LICENSED PSYCHOLOGISTS

On Whether 202A Evaluations Conducted By Licensed Psychological Associates And Temporarily Licensed Psychologists Require Countersignature By A Board-Appointed Supervisor.

The Board has been asked whether KRS 202A evaluations completed by a licensed psychological associate and temporarily licensed psychologists require countersigning by a Board-appointed supervisor. KRS 202A, the Kentucky Mental Health Hospitalization Act, provides that a judge may order a person involuntarily hospitalized for a period not to exceed seventy-two (72) hours, excluding weekends and holidays, following an examination by a qualified mental health professional and a certification by that professional that the person meets the criteria for involuntary hospitalization. In this opinion, we will refer to this examination and certification as a “202A evaluation.”

Licensed psychological associates and temporarily licensed psychologists are qualified mental health professionals who are authorized by law to perform 202A evaluations. Such evaluations are routinely completed on a form provided by the Administrative Office of the Courts, AOC 712. The completion of a 202A evaluation does not involve formal psychological testing, but is the result of a face-to-face interview, often conducted in the middle of the night or under other extreme circumstances. The intent of the 202A evaluation is to expedite a person’s further evaluation and immediate treatment at an appropriate facility. The minimal criteria which are evaluated are whether the person is or is not “mentally ill and presents a danger to self, family, or others, that he or she can reasonably benefit from this treatment and for whom hospitalization is the least restrictive alternative mode of treatment presently available.”

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OPINION & DECLARATORY RULING

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Based upon the above, the Board concludes that 202A evaluations are not the formal "psychological assessments" which are mandated to be "read and countersigned" by the supervisor of a temporarily licensed psychologist and a licensed psychological associate as otherwise mandated by 201 KAR 26:171 § 8(1). 202A evaluations may be performed and signed alone by the temporarily licensed psychologist and the licensed psychological associate.

The Board therefore asserts that 202A evaluations do not qualify as formal "psychological assessments" and thus do not require countersignature of a supervisor when completed by a licensed psychological associate or a temporarily licensed psychologist.

Although countersignature is not required, the Board would certainly encourage a thorough discussion of the decision to recommend involuntary hospitalization during the course of routine supervisory sessions. 201 KAR 26:171 § 8 mandates, among other conditions, that the supervisor "have direct observation of the supervisee's work, have direct knowledge of the size and complexity of the supervisee's caseload, and have knowledge of the therapeutic modalities and techniques being used by the supervisee."

This opinion is adopted by the Board on April 5, 2004.

Tracy D. Eells _____



Pictured are members of the Kentucky Board of Examiners in Psychology (Courtney Spear, Diane Sobel, and Barbara Jefferson) with colleagues from Romania, Ruxandra V. Rascanu and Neculai I. Mitrofan, at the ASPPB 3rd International Congress.

ASPPB 3rd International Congress on Licensure

By Courtney N. Spear, M.A.

Courtney Spear, representing the KBEP at the ASPPB 3rd International Congress on Licensure, Certification and Credentialing of Psychologists, gave a poster presentation titled "Kentucky Credentials Masters Trained Individuals for Independent Practice." Featured were the basic requirements for licensure of the Licensed Psychological Practitioners as well as additional information on complaints/disciplinary actions against all credential holders in a bar chart for comparison. The poster session drew considerable interest as there are several jurisdictions licensing Masters-trained individuals, especially on the international level. The Congress was held in Montreal, Quebec April 21-24, 2004. Also representing the KBEP were Board members Barbara Jefferson and Diane Sobel.

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